

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARK BUTTERLINE, in his own right and as personal representative of the estate of Lisa Butterline, individually and on behalf of all others similarly situated,

Plaintiff,

v.

CITY OF PHILADELPHIA,

Defendant.

Case No.: 2:15-cv-01429-JS

**PLAINTIFF AND DEFENDANT'S JOINT MOTION TO PAY
ADDITIONAL FEES TO CONTINENTAL DATALOGIX LLC**

1. On September 7, 2022, Plaintiff, Mark Butterline (“Plaintiff”) and Defendant, City of Philadelphia (“Defendant”) settled the above matter on a class wide basis.
2. Pursuant to the Settlement, Continental DataLogix LLC (“Continental”) was chosen by the parties to aid in giving notice to class members and administrating the Settlement.
3. Pursuant to the Order preliminarily approving the class-action settlement dated May 11, 2022, Continental was appointed as the settlement administrator in this case.
4. Continental provided mailed notice to 196 individuals and 126 email addresses representing either settlement class members and/or relatives of the settlement class members of 98 properties.
5. Continental was also responsible for receiving all claims forms and validating the information provided by claimants.
6. Continental was also responsible for the filing of all tax-related documents.

7. Pursuant to the Settlement and by order of this Court, Continental agreed it would not be paid in excess of \$30,000.

8. Up until this date, Continental has provided the following:

- a. Printing and mailing of the Notice to the Class;
- b. Sending Notice via email to the Class;
- c. Dissemination of a reminder Notice via mail and email;
- d. Dissemination of a second reminder Notice via mail and email;
- e. Develop and maintain a Settlement website;
- f. Correspondence with Class Counsel with respect to individual class member issues;
- g. Review of all claims for completeness and validity;
- h. Processing and disallowance of claims from individuals who were not on the Class List;
- i. Distribution to approved claims;
- j. Preparation and filing of the annual Settlement Fund Tax Return (2022); and
- k. Preparation and filing of Form 1099.

9. The Defendant requested Continental to assist with the filing of CAFA Notification and subsequently approved the payment of \$1,200.00 for these services from the Settlement Fund.

10. Continental has been asked by the Parties to perform additional services which will incur costs and fees that will be excess of the amount approved by this Court. See Declaration of Ritesh Patel attached as Exhibit “1” for work still to be performed by Continental.

11. Plaintiff and Defendant respectfully request this Court approve an additional \$8,000.00 to pay Continental for its excess costs that will be incurred.

12. These additional fees relate to the following costs:

- a. Review and processing of supplemental information provided by the Defendant;
- b. Re-distribution of additional damages to prior approved claims based on the supplemental information received;
- c. Re-review and subsequent approval of claims which previously did not have damages in excess of liens;
- d. Distribution to newly approved claims;
- e. Additional preparation and filing of the annual Settlement Fund Tax Return (2023); and
- f. Coordination with Class Counsel regarding individual claimant issues, uncashed checks and reissue requests.

13. Continental's request for excess fees will have no impact on class members' recovery. To this date, Class Counsel has been paid its fees in the amount of \$285,000 and costs in the amount of \$35,485.38. The Class Representative, Mark Butterline was paid \$2,500 for this class representative fee. Accident Reconstruction Services was paid \$18,205.00.

14. Class members who have submitted a claim and owed money have been paid out of the Settlement in an amount totaling \$405,329.09.

15. There is an additional distribution of \$10,378.92 being sent to several class members who were previously paid after review of their claims and supplemental documentation.

16. Another distribution of \$37,538.12 is going to additional class members who have not been paid after reviewing supplemental documentation.

17. \$116,363.49 will remain in the fund after all claim fees and expenses have been paid. Pursuant to the Settlement, this will be returned to the Defendant. Thus, Continental's excess fees only affect money returning to Defendant.

WHEREFORE, Plaintiff and Defendant respectfully request this Court's approval for the payment of up to \$8,000.00 to Continental which represents certain excess fees and costs that were not previously anticipated.

Date: April 11, 2023

/s/ Daniel C. Levin

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Attorneys for Plaintiff and the Settlement Class

CERTIFICATE OF SERVICE

This is to certify that on this 11th day of April, 2023, I have served a true and correct copy of foregoing upon all counsel of record via the Court's electronic notification system.

/s / Daniel C. Levin
DANIEL C. LEVIN, ESQUIRE